G. R. S. 58]
Previous references.

(D2.) 3/7/15

med **File No.** 132-14

1915

Serial Nos. 1 to

(medical)

Later references.

PD 11-20-55, 57 to 59, 76, 79, 91, 92.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 142

Part B for June 1915

SUBJECT.

Submits for orders of Govt certain correspondence regarding adjustment of a claim for £ 31-8-6. from Messrs J. A. Kirkbridge & Co, Bombay, Agents of German firms from whom certain instruments &c. were obtained for the Govt. Med Stores, in August 1914.

To. The Senior Surgeon N° 10127, D. 12.6.15.

States that the adjustment of the claim of Messrs J. A. Kirkbridge & Co, Bombay. Agents of a German firm, for £ 31-8-6. has to be deferred till the war with Germany is over.

B—8,500—21-7-14

G. R. S. 11] 1914-15

GENERAL AND REVENUE SECRETARIAT. 6177

(Med^l)

NOTES.

File No. 132-14

FILE HEADING.

Claim of messrs J. A. Kirkbridge & Co, Bombay Agents of a German firm for amount due on account of certain instruments &c supplied to Govt Med^l Stores.

From

The Senior Surgeon

No. GJ 415 Dated 1. 4. 15 Received 5. 4. 15

Diary No. 6177	Enclos.	Spare Copies.	Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Submits for orders a copy of a letter from the Senior Surgeon in charge of the Govt Med^l Stores re: adjustment of a claim for £ 31-8-6 from messrs J. A. Kirkbridge & Co, Bombay Agents of a German firm from whom certain instruments &c were obtained for the Govt Med^l Stores in August 1914.

NOTES AND ORDERS.

1) Submd for orders. Branch V which deals with all orders relating to the War & the present situation may be consulted. Probably the amount

Obdn-41
6.4.15

NOTES—First Sheet.

GPB—20,000—8-8-14—

G. R. S. 12]

617] 2

General and Revenue Secretariat. | 2nd File No. 132 of 1914-5

Serial No.

J Mis 435-14

has to be held in deposit pending future settlement

BS

6/4. 2) Mis has been sent to Br III as the point raised involves an important principle of law.

EB
7/4

Br III)

Subd. 3) In a war between the British Sovereign and Germany, the interests of native States must be considered as identical with those of the United Kingdom. This is an elementary principle and requires no authority to support it. In the present case the contract was between the Senior Surgeon in charge of the Medical Stores, and the German firm of Leipziger Gummi Waaren Fabrik. The goods ordered by the Senior Surgeon have been received and payments due to the German firm. The German firm itself cannot receive money here being an alien enemy. On account of the outbreak of war, the enforcement of the rights arising under an agreement between subjects of belligerent States is suspended while the war continues.

5/5/15

NOTE—Contn. sheet.

GPB—25,000—22-3-15

G. R. S. 12]

General and Revenue Secretariat.

Med File No. 132 of 1914-5

Serial No.

4) Messrs Kirkbridge & Co are merely the clearing agents, and the German firm have not directed that payment for the goods should be made to their agents. Granting that Messrs Kirkbridge and Co are the agents of the German firm, even then the Bombay firm is not entitled to claim the amount. The agent is in no better position than the principal to whom he acts, and when the German firm can not sue to enforce its rights, it is clear that the Bombay firm also is not entitled.

5) If approved, a draft will be put up in accordance with this view.

6) In the recent case of Maxwell v Grunhut a summary of which has been reported in Weekly Notes at p lvi, the court of appeal in England have held that an agent under such circumstances cannot give a valid discharge to his debtor, and that an agent can have no greater rights than the principal who, being an alien enemy, can not sue.

Flag A
Obtained in Box III

7) Further, under 53 the Commercial Intercourse with the Enemies Reg^{n} (XII of 1914 vide also II of 1915), any person who contravenes any of the provisions of any Proclamation of His Majesty relating to trade shall be punishable with imprisonment for

Flags B & C

NOTE—Contn. sheet.

GPB—25,000—2-12-14

[G. R. S. 12]

Mis 435-14

General and Revenue Secretariat. | Med. File No. 132 of 1914.

Serial No.

term extending to 3 years. The Proclamation of 30.10.1914 published within in the Mysore Gazette as Notification dated 11.11.1914, expressly prohibits the payment of any sum of money to or for the benefit of an enemy. What the legal effect of this Proclamation coupled with the above Regulation, has to be considered;

8) But in any case it seems me that the amount is not payable till the war is over.

Eg
14/5

First Member)

9 I think the view is Correct. However Consult the Govt Advocate.

14/5/15

15.5

10 Forwarded unofficially to the Government Advocate for favour of opinion

P.O.

15-5-15 for Offg Secretary

J H.O. 90-14

NOTE—Contn. sheet.

GPB—25,000—2-12-14

Jr Bom 435-14

(5

R. S. 12]

General and Revenue Secretariat.

Filed File No. 132 of 1914-5

G. O. 60 of 1915

Serial No.

11

The Contract was entered into direct with the German Firm with reference to Messrs J. A. Kirkbridge & Co of Bombay who assuming them to be the agents of the German Firm cannot seek to enforce the present claim which their principals during the pendency of the State of war cannot. Further there is express prohibition in the proclamation of the 30th Oct 1914 (Flag D) to the payment of any sum of money to the enemy. Settlement in May 1914 of the another claim of the German Firm by payment to the Bombay Firm cannot afford any valid precedent as assuming other things to be equal what was done during peace cannot be said to hold good during the State of war. Under these circumstances I agree with the Asst Secretary in the view he has taken.

19-5-15

Asst Secretary

Submitted Please let me see this

21/5

NOTE—Contn. sheet.

1(11) Jr. 1/2095

CMP—85,000—17-6-22

J Mus 435-14

6177 6

G. R. S. 12]

General and Revenue Secretariat.

West File No. 132 of 1914.

Serial No.

12 Submitted for perusal.
After perusal, the papers will be returned to Br IV for issue of necessary orders.

Eg
20/5

First Member) ~~Please let me see~~ ~~the~~

13) A reply may be sent
agg to this opinion -

26/5/15

Eg
27/5

Br IV)
14) draft- submitted.
Adm-41
28.5.15

Eg
29/5

29/5

15) Draft may be approved

31/5/15

1st Member

Eg 31/5/15

Exchanging hands

16) Draft approved by First member
on 5/6 4.6.15.

6/6

NOTE—Contn. sheet.

GPB—25,000—22-3-15

Serial No.	
	17) Draft approved by the Extraordinary Member 10/6/15
	18) Issue Copy 11/6/15
	19)
2	To The Senior Surgeon. No. 10127. dt. the 12th June 1915. With refce to sl. 1 States that the admissn. & justment of the claim has to be deferred till the war with Germany is over.

NOTE—Contn. sheet.

GPB—25,000—22-3-15

8

No. G.415
Encls. 8

Office of Senior Surgeon, Mysore Govt.

Dated, Bangalore, 1. 4. 1915.

From

MD 132-14-1

Rao Bahadur T. V. Arumugum Mudaliar, Esq., M. B., C. M.,
Senior Surgeon with the Government of
H. H. the Maharaja of Mysore, Bangalore.

D 677

To

D.M.Narasinga Rao Esquire, B.A.,B.L.,
Offg. Secretary to the Government of
H. H. the Maharaja of Mysore,
Genl & Rev. Deptts Bangalore.

Sir,

In forwarding herewith copy of letter No.1877 dated 12-3-15,(with its enclosuers in original, to be obligingly returned) from the Senior Surgeon in charge of the Medical Stores, soliciting instructions regarding the adjustment of a claim for £.31-8-6 from Messrs J.A.Kirkbridge & Co., of Bombay as Agents of a German Firm from whom certain Medical Stores were received in August 1914, I have the honor to request the favor of early orders of Government whether under the altered conditions brought about by the European War, the claim of the Bombay Agents may be accepted.

I have the honor to be,

Sir,

Your most obedient servant,

Personal Assistant
for Senior Surgeon(absent on tour)

From

The Senior Surgeon,

Mysore Govt., Bangalore.

To

The Secretary

to the Govt. of Mysore,

Genl & Rev Deptt.

Bangalore.

Dated 1.4.1915.

No. G. 415

Encls. 8

Subject.

Requesting orders of Government for the adjustment of a claim for £ 31-8-6 from Messrs J. A. Kirkbridge & Co.

No.1877 dated 12-3-15, from the Senior Surgeon in charge Medical Stores, Bangalore, to the Senior Surgeon, Mysore Government, Bangalore.

----Enc to mis 132-14-1

I have the honor to forward herewith copies of correspondence in respect of a purchase made from a German Firm of certain articles in August last and to request that you will be so good as to obtain orders of Government i n the matter

2. An indent for certain surgical instruments and appliances was sent from the Medical Stores in February 1914 directly to Messrs.Leipziger G.W.Fabrick of Leipzic a German Firm. The articles of the value of £.31-8-6 were received on 11-8-1914 through Messrs. J.A.Kirkbridge and Co., Bombay, the Clearing Agents of the German Firm; but in consequence of the declaration of War with Germany, the payment has had to be withheld.

3. These Agents now claim the above sum on behalf of— the German Firm according to a precedent in May last in respect of a previous transaction. The precedent does not seem to hold good as, in the present case the German Firm have not expressly authorized such payment as they did b—efore

4 . In these circumstances the point now for decision is whether the claim put forward by Messrs. Kirkbridge & Co., of Bombay the mere Agents to the German Firm, for the amount in question, is valid and could be allowed under the conditions brought about by the present war

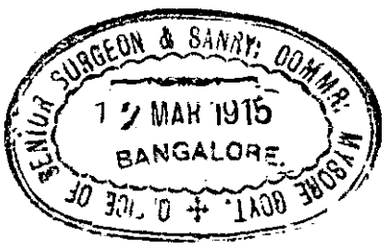
--ooOoo--

" Copy "

For Senior Surgeon.

10 +

J. A. kirkbridge & Co
60 Tamarind Lane
En route 132-14-/ Bombay
21st Oct: 1914



The Senior Surgeon In Charge
Medical Stores
Mysore Government
Bangalore

Dear Sir

your No. 562

We are in receipt of your letter of 9th. in reply to your request for a remittance to cover the amount due on the goods we sent under Railway Receipt No. 786/5.

The goods were ordered direct from the Leipzig firm as you State also the previous Shipment you also undertake to make payment to us

<u>14 days after receipt of Goods</u>

We keep our engagements by paying Charges

on

on these goods also our acceptance to Banks so there is nothing to prevent you completing your engagement.

Kindly send us the cheque for Rs. 472/13/11 as requested by your letters of 20th July and 24th Sept which clears you of all liability as in the former case.

Yours faithfully.

(Signed) J.A. Kirkbridge & Co.

Copy"

Superintendent,
Medical Stores.

From

Entered 1324-14-1

The Senior Surgeon
In charge Govt. Medical Stores
Bangalore.

To

Messrs. Kirkbridge & Co.
60 Tamarind Lane
Bombay

Dated 9/10/1914
No 562

Gentlemen,

In reply to your letter dated 24th September 1914, I have the honor to inform you that the value of articles contained in our order of Feb: 1914 is due to Messrs The Leipzigger G. W. Fabrick of Leipzig to whom our order was sent direct.

"Copy"

I have the honor to be
Gentlemen,
Your most Obedient Servant.

S Srinivasaya
Superintendent,
Medical Stores.

(Signed) W. Sreenivasa Iyengar
Superintendent
Medical Stores

(Signed) T. V. Arunagam
Senior Surgeon in charge
Medical Stores Mysore Govt.
Bangalore

~~3~~ 13

Rec to med 132-14-1

J.A. Kirkbridge & Co.
60 Tamarind Lane
Bombay

24th Sept 1914

The Senior Surgeon
I/c. Medical Stores
Mysore Govt
Bangalore.

Dear Sir,

We beg to invite your attention to our letter of 28th July last enclosing R/R. No. 786/5 for 1 case of Surgical Appliances from Messrs. The Leipziger Gr. W. Fabrick of Leipzig and trust the same has reached you safe

We also enclosed the invoice with a note of charges altogether amounting to Rs. 472/13/11, and will thank you to kindly remit us the amount at your early convenience

Trusting

Trusting you will oblige

We remain, Dear Sir

Yours faithfully

(Signed) J.A. Kirkbridge & Co.

P. S.

Your remittance is due to us

not to the foreign House as you arranged.

"Cop"

Superintendent,

Medical Stores.

Enc to mid 132-14-1

J. A. Kirkbridge & Co.

60, Famarins Lane

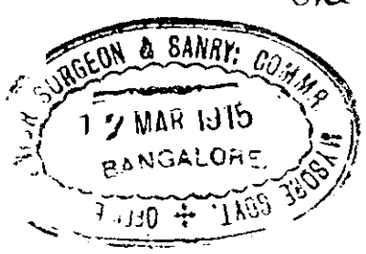
Bombay 28th July 1914

The Senior Surgeon

I/c. Medical Store.

Mysore Govt.

Bangalore city



Dear Sir

We have pleasure in handing you herewith Railway Receipt No 780/5- for 1 case Surgical Appliances, Freight paid, as instructed by Messrs The Leipziger G. W. Fabrick of Leipzig

The Invoice and Note of Charges are also attached amounting to £26/3/9 and £ 5/4/9 to cover which please send us your draft on Bombay for the amount of £ 31/8/6 Say @ 1/5 15/16 Rs. 472/13/11 in due course

The goods only arrived on the 20th

So

So that no time has been lost in clearing the same

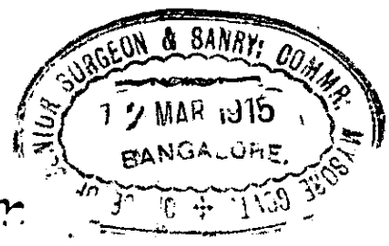
Yours faithfully.

(Signed) J. A Kirkbridge & Co.

" Cpn

Superintendent,
Medical Stores.

Leipziger Gummi-Warren-Fabrik:



Leipzig, 6th June 1914.

Mr. [illegible] Bangalore

The Senior Surgeon in Charge
The Medical Stores, Mysore Government.
Bangalore – India

Dear Sir,

Enclosed we beg to hand you invoice with note of charges about the goods you had the kindness to order us by your favour of the 12th February General No. 1296 and which will be shipped by first Steamer at Trieste to our agents Messrs. J.A. Kirkbridge & Co. Bombay. These Gentlemen are ordered by us to accept the goods, to pay the duty and to effect the re-expedition to your care free of charges unto Bangalore city Station We have covered the maritime insurance and request you to credit us the Amounts of the

two

two enclosures of £ 26.3.9 and £ 4.9.

(due in 14 days after receipt of the goods)

As per your wish we have added to the goods a copy of our catalogue (foreign edition), prices of which are to be understood net. They are at present subject to some advances of conjuncture as per circular added to this letter.

The further contents of your esteemed letter have our best attention

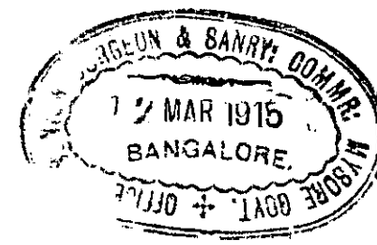
We wish you an early and happy receipt of the supply and as also in this event we have done our level best in the execution of this order, we should be very glad indeed to receive your kind orders also in future always with pleasure at your service

we remain, dear Sirs.

Copy
1 Aufstellung
1 Rechnung
1 Nota
Sch

(Stamped) Yours faithfully
Leipziger Gummi-Waaren-Fabrik
Aktiengesellschaft.
vorm. Julius Marx, Heine &
(Signed)

Superintendent,
Medical Stores.



From

The Senior Surgeon in charge
Govt Medical Stores
Bangalore

To

Messrs. Leipziger
Gummi-Warren-Fabrik
Leipzig

Dated 12th February 1914.
General No. 1296/Enclosure one

Gentlemen.

I have the honor to forward herewith an indent for certain Instruments and applian ete required for the use of the Govt Medical Stores and to request that the same may be supplied at your earliest convenience, the consignment being sent to the Bangalore city Station

2. The figures quoted in the indent are from your Anglo-German Catalogue of 1909

a

a copy of which was furnished to this
Office by your Bombay Agents at
the instance of Mr Paul Becker

4 Please supply us with a copy
of your latest English illustrated Catalogue
of Instruments.

I have the honor to be
Gentlemen
your most obedient Servant

(Signed) S. V. Ramaswamy Iyengar
for Senior Surgeon in charge
Medical Stores Mysore Gov.
Bangalore.

"Copy"

Srinivasmy
Superintendent,
Medical Stores.

Encl: to med 13:

Indent on Messrs. Leipziger Gummi-Waaren-Fabrik
Leipzig

No	Name	No	Particulars	Remarks.
1	Tongue Depressors.	Six	No. 115'80 of your Catalogue	
2	Probang with Coin Catcher	Two dozen	No. 8741 do —	
3	Speculum Vaginal glass Furguson	one "	No. 9224 (No. 2+3 each 6).	
4	Do — Vagina (Sims)	Two "	No. 9252	No 2
5	Tube Vaginal glass Curved	Three "	No. 6206	
6	Politzer bags Conical	Six only	No. 5712	(8 oz capacity)
7	Pill Dividing Machine 3 and 4 grains	one dozen Brass	No. 7299	
8	White tin pots	1000	4 oz: Capacity	
9	Do —	1000	3 oz — Do —	
10	Do —	1000	2 oz — Do —	
11	Do —	1000	1 oz — Do —	

SENIOR SURGEON & SANRY: COMMR: MYSORE & COORG
17 MAR 1915
BANGALORE.

Bangalore
12th Feb: 1914

(Signed) S. V Ramaswamy Iyengar
for Senior Surgeon Incharge
Medical Stores Depot Coorg
Bangalore

2nd "Copy"

S Ramaswamy
Superintendent,
Medical Stores.

G. R. S. 26]

SUBJECT Directing that the adjustment of the claim of Messrs J. A. Kirkbridge & Co of Bombay for the amount due to a German Firm be defered till the war with Germany is over

Diary No. of letter replied to 6177

Section
File No. 132-14
Serial No. 2

General and Revenue Secretariat
(Med)
, the 191 .

No. 10127
Med/132-14-2
dt 12.6.15.

Date of issue 12.6.15.

To
The Senior Surgeon

Signed by Mr G. Srinivasa Ayr

Sir,-

With refce to your letter No: G 415 of the 1st April '15 requesting orders in the matter of payment of a sum of £ 31-8-6 to Messrs J. A. Kirkbridge & Co of Bombay as Agents of a German Firm from whom certain Medical Stores were obtained in August 1914, I am directed to State that the

over.

23

adjustment of the Claim ~~may be~~ has to
deferred till the war is over with Germany

I have &c

10.6.15.

28.5.15

List of enclosures.

Copied by

Examined by

GPD 20,000 14-2-14